

### **REMARKS**

The final Office Action of January 9, 2007, has been carefully reviewed and these remarks are responsive thereto. By this amendment, claims 1, 9, and 31 have been canceled without prejudice or disclaimer. Claims 3-8 and 11-15 have been amended to depend respectively from independent claims 32 and 33. Independent claims 16, 21, 28, and 29 have been amended to recite a limitation similar to that previously found in now-canceled claim 31. No new claims have been added. Claims 3-8, 11-21, 23-26, and 28-30 and 32-33 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

All previously-pending claims were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,408,128 (*Abecassis*). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 32 recites a client multimedia apparatus operable to record primary program data and associated secondary program data, and to provide a user interface for selection of the program data files and retrieve a secondary program data file selected by a viewer for display. Independent claim 33 recites a client multimedia apparatus operable to receive primary program data, to run a software agent arranged to identify and copy earmarked portions of the primary program data, and to store a copy of said earmarked data as an associated secondary program data file. Additionally, both independent claims 32 and 33 recite, "wherein the secondary programming data provides a trailer for the primary programming data." This feature, which was previously included in dependent claim 31, has now been incorporated into independent claims 16, 21, 28, and 29.

Although *Abecassis* discloses trailers, it does not disclose receiving trailers with the primary program data, as recited in the independent claims. Nor does *Abecassis* disclose copying the trailers from earmarked portions of the received primary program data, as recited in claim 33. Rather, in *Abecassis*, the trailers are only submitted with a list of the primary program data. For example, the following portion of *Abecassis* describes how a user can transmit a request for a video having a particular content, ending, story line, etc.

The video provider will analyze the user request, and search the videobase for a video matching the user's requirements. If the video is found, then video information, and billing, if any, are transmitted to the user for approval and subsequent video transmission to the user. The video information transmitted to the viewer may include, for example, a list of the videos that are responsive to the viewer's content preferences and subject matter and/or programming preferences, as well as detailed descriptions including the amount, percentages, times, and other quantitative and qualitative information regarding the content of each of a plurality of content categories. The information provided the viewer may also include, for example, the theatrical trailers, as well as linkages to web sites/pages that may provide additional information.

*Abecassis*, Col. 41, lines 10-22. Therefore, in *Abecassis*, the trailers are only submitted with a list of the primary program data. Thus, *Abecassis* does not disclose retrieving trailers associated with the primary program data, as recited in independent claims 32, 16, 21, 28, and 29, or copying the trailers from earmarked portions of the received primary program data, as recited in claim 33.

In other words, independent claim 32 recites that the primary and the secondary program data are received together, or that the secondary program data is created from earmarked portions of (claim 33), the primary program data received at the apparatus. However, this would not be the case if the trailers are submitted first, with a results list, and the primary program data is not transmitted until the user has approved the list based on the trailers, as disclosed by *Abecassis*. The other independent claims are distinguishable for similar reasons.

Nor would there be any motivation to modify *Abecassis* to transfer the trailers with the primary program data. In *Abecassis*, the trailers are sent to allow a user to decide whether he wants to receive and pay for the primary program data. In this situation, it would not make sense to send the primary program data at the same time as the trailer as required by claim 32, or before the secondary program data is generated as required by claim 33.

Additionally, regarding claim 33, the disclosure of the earmarked portions in *Abecassis* (e.g. columns 36 and 37), is separate from the disclosure of the secondary program data including a trailer. There would be no motivation for the ordinary skilled person to combine these disclosures and, even if he did, it would not lead to the present invention as claimed, because *Abecassis* does not disclose copying the earmarked portions and storing a copy of the earmarked portions as an associated secondary data that provides a trailer for the primary program data, as required by claim 33.

Accordingly, for at least the reasons stated above, Applicants submit that independent claims 32 and 33 are allowable. Claims 3-8 and 11-15 depend respectively from claims 32 and 33 and are allowable for at least the same reasons, as well as based on the additional features recited therein.

For example, claims 5 and 13 recite wherein “the secondary program data is of a lower resolution than that of the primary program data.” As previously argued in the Amendment submitted October 30, 2006, the portion of *Abecassis* purported to teach this feature only discloses selecting a target for magnification within an image and using zooming capabilities enhanced by video compression technologies, thereby increasing resolution independence and enabling higher resolution for high quality zooms. In other words, *Abecassis* simply describes a technique of zooming for video content windows to change the resolution on the screen. Neither the cited portion of *Abecassis*, nor any other portion that Applicants have identified, discloses or suggests that the primary and the secondary programs received and recorded are of different resolutions. Therefore, claims 5 and 13 are allowable over *Abecassis* for this additional reason.

Furthermore, it is described in column 62 of *Abecassis* how “zoomed images” can be presented. It is further discussed how the zooming capabilities are enhanced by video compression technologies that lend themselves to resolution independence, enabling high quality zooms to higher resolutions. Applicants note that this does not mean that the secondary program data, i.e. the data not selected for zooming, is of a lower resolution than the primary program data when received as required by a combination of claim 1 and claim 5. In fact, it follows from the description in column 62 of *Abecassis*, that if video compression technologies can be used to zoom any target selection within a single image, then all the program data of the image must be received at a high resolution although in a compressed state. There is nothing in *Abecassis* to suggest that the data that is not selected is received at a lower resolution.

Additionally, Applicants submit that claim 6 is novel and inventive over *Abecassis*, and respectfully request that the Examiner clarify and further explain any potential rejection of claim 6. Col. 5, lines 40-53 of *Abecassis*, the section of *Abecassis* relied-upon as disclosing the features of claim 6, describe a conventional video-on-demand system. However, conventional video on-demand systems are not known to allow marking of program data for deletion or

prolonged keeping upon user input during display of the secondary program data as required by claim 6. Accordingly, Applicants submit that claim 6 is allowable for this additional reason.

**Conclusion**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated this 9th day of April, 2007, 2006

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